REMARKS

As an initial matter, Applicants thank the Examiner for extending the courtesy of a telephonic interview held on July 14, 2009.

Claims 1-32 are pending in the application.

Claims 1-36 have been rejected.

Claims 1, 13, 23, and 28 have been amended. Support for the amendments can be found in at least paragraphs [0004] and [0032]-[0033] of the present Specification.

Claims 33-36 have been cancelled.

Rejection of Claims under 35 U.S.C. § 112

Claims 1, 13, 23 and 28 are rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. Specifically, page 2 of the present Office Action states that the claimed element "an actual structure of said database is unknown when said determining is performed" does not have support in the present Specification. Applicants respectfully disagree and respectfully refer the Examiner to at least paragraph [0032] of the present Specification. For example, as stated in paragraph [0032], "In the illustrated embodiment, the depicted process is applied to a database for which the structure is not previously known and the resulting structure is used to discover one or more components of the database for which a PIT image will be generated." Thus, in light of at least this passage in paragraph [0032], Applicants respectfully submit that the element "an actual structure of said database is unknown when said determining is performed" does have support in the present Specification. Applicants respectfully request that the rejection be withdrawn.

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Rejection of Claims under 35 U.S.C. § 103(a)

Claims 1-36 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent 7,133,884 issued to Murley et al. ("Murley") further in view of U.S. Patent Pub. 20050021487 issued to Verma et al. ("Verma"). While not conceding that the cited references qualify as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicants reserve the right, for example, in a continuing application, to establish that the cited references, or other references cited now or hereafter, do not quality as prior art as to an invention embodiment previously, currently, or subsequently claimed.

Applicants respectfully assert that Murley and Verma, taken alone or in any permissible combination, do not disclose, teach, or suggest the limitations of amended independent Claim 1 (and similarly, independent Claims 13, 23, and 28). For example, nothing in Murley and Verma, taken alone or in any permissible combination, discloses, teaches, or suggests "selecting said speculative database structure from among a plurality of predefined database structures," as recited in the independent claims. In support of the rejection, page 4 of the present Office Action maps the claimed "speculative structure of a database" to Murley's "current snapshot." Similarly, in support of the rejections of now-cancelled Claims 33-36, page 27 of the present Office Action also equates Murley's "current snapshot" with the claimed "speculative structure of a database." The analogy between Murley's current snapshot and the claimed speculative structure is improper because Murley's current snapshot is "a current snapshot of the [a] target database." *See,* e.g., Abstract of Murley. There is nothing speculative about Murley's current snapshot at

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all since the current snapshot represents the actual, current state of the target database. In fact, a person with skill in the art would not even expect Murley's current snapshot to be analogized to the claimed "speculative structure of a database" because Murley's current snapshot and the claimed speculative structure are determined in vastly different ways. Murley's current snapshot is determined by taking a snapshot of the current state of the target database. In stark contrast, the claimed speculative structure of the database is determined by "selecting said speculative structure of a database from among a plurality of predefined database structures," as claimed. Taking a snapshot of the state of a database simply cannot (and should not) be analogized to "selecting said speculative structure of a database from among a plurality of predefined database structures," as claimed. Thus, for at least these reasons, independent Claim 1 (and similarly, independent Claims 13, 23, and 28) and all claims dependent therefrom are patentable over Murley and Verma, taken alone or in any permissible combination. Applicants therefore respectfully request that the rejection be withdrawn.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,

Ronald S. Liu
Attorney for Applicants
Reg. No. 64,170
512-439-5086 (Telephone)
512-439-5099 (Facsimile)